IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE DR JUSTICE G.YETHIRAJULU
WRIT PETITION NO : 17170 of 2004

Between:
M.Gangadhar S/o.M.Kistanna, H.No.4-2-26, Ashok Road
Tirpally Street, Adilabad.

..... PETITIONER

AND

1 The Govt. of India Rep. by its Secretary
Ministry of Information and Broadcasting Central Secretariat New Delhi.
2 The Director General All India Radio, Govt. of India New Delhi.
3 The Station Director All India Radio, Adilabad District
Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioner as Production Assistant as bad, illegal and unconstitutional and against Art.14,16 and 21 of the Constitution of India and direct the Respondents more particularly the Respondent No.2 to apply the Judgment passed in W.P.17868 of 1998 in the Petitioner's case and regularize the services of the Petitioner as Production Assistant as the he is deserving and eligible.

Counsel for the Petitioner:MR.D.VIJAY

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the following :

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17170 of 2004

ORDER:

The petitioner is an unemployed person. He claims that he worked as a Casual Production Assistant from 1989 in the respondent-organization and his services were extracted for various periods during the years from 1989 to 1999. The petitioner claims that he worked for a total number of 466 days with the respondents. The petitioner further submits that the All India Radio prepared a scheme in pursuance of a judgment of the Central Administrative Tribunal, New Delhi in O.A.No.822 of 1991 dated 18.9.1992, for regularization of services of casual artists in All India Radio. The petitioner contends that he fulfilled all the eligibility conditions stipulated and he is entitled for regularization of his services as a regular Government employee. Since the respondents did not consider his case for regularization of services, the petitioner approached this Court through this writ petition to declare the action of the respondents in not regularizing his services as Production Assistant as bad, illegal, unconstitutional and against Articles 14,16 and 21 of the Constitution of India.

The grievance of the petitioner is that though he fulfilled the requisite qualifications for regular appointment while working as Casual Production Assistant, the respondents, without considering his case, resorted to select the candidates from open market. Therefore, he is entitled to be considered for regularization.

The learned Counsel for the petitioner drew the attention of this Court to a Judgment of Division Bench of this Court dated 31.1.2003 in W.PNo.17868 of 1998, wherein the Division Bench while disposing of the writ petition passed the following Order:

> "A perusal of the records reveals that the petitioners are working as Casual Production Assistants and they are entitled for regularization of their services in terms of the scheme formulated by the respondents. Accordingly, the order of the Tribunal is set aside and the respondents are directed to consider the case of the petitioners, who are working as Casual Production Assistants and pass appropriate orders within two months from the date of receipt of a copy of this Order."

Since the petitioner is also similarly placed, the respondents are directed to consider the request of the petitioner for regularization and examine whether he is entitled for regularization in terms of the scheme formulated by them and pass appropriate orders, within two months from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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23rd September, 2004

Nn.

Copies to:

1 The Secretary, Ministry of Information and Broadcasting Central Secretariat, Government of India, New Delhi.

2 The Director General, All India Radio, Govt. of India New Delhi.

3 The Station Director ,All India Radio, Adilabad District

Andhra Pradesh.

4. Two C.D. copies.